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10/533,268	04/28/2005	Matti Lipsanen	856.0012.U1(US)	7347
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EXAMINER LAZARO, DAVID R				
ART UNIT 2455		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/533,268

**Applicant(s)**

LIPSANEN, MATTI

**Examiner**

DAVID LAZARO

**Art Unit**

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 54-66 and 69-76 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 54-66 and 69-76 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to the amendment filed 04/07/09.
2. Claims 54-66 were amended.
3. Claims 1-53, 67 and 68 are canceled.
4. Claims 69-76 are new.
5. Claims 54-66 and 69-76 are pending in this office action.

***Response to Amendment***

6. Applicant's arguments with respect to claims 54-66 and 69-76 have been considered but are moot in view of the new ground(s) of rejection.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 54, 61-66 and 69-76 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2003/0101150 by Agnihotri et al. (Agnihotri).

10. With respect to claim 54, Agnihotri teaches a user content delivery method comprising:

at an agent resident on a network element in a network (Paragraphs 24-28),  
establishing a set of user content delivery preferences relating to user content to be delivered at a future time, wherein the set of user content delivery preferences comprises at least one of delivery time and delivery cost (Paragraphs 29-32, 40, 42-45);

receiving a request from a wireless terminal connected to the network, the request directed to the user content for which user content delivery preferences have been established (Paragraphs 33, 43-44);

sourcing the user content in response to receiving the request (Paragraphs 35-40); and

selecting, based on said set of user content delivery preferences, between at least two networks over which to deliver said user content from the agent to the terminal (Paragraphs 29-32, 40, 42-45); and

scheduling delivery of the content from the agent to the terminal over the selected network (Paragraphs 29-32, 40, 42-45).

11. With respect to claim 61, Agnihotri teaches the user content delivery method of claim 54, further comprising reviewing user content items on a data carousel, and

determining from the reviewing step if any forthcoming user content matches the user request (Paragraphs 35-40).

12. With respect to claim 62, Agnihotri teaches the user content delivery method of claim 54, further comprising conducting a search for user content relating to the request, preferably using the internet a network (Paragraphs 35-40).

13. With respect to claim 63, Agnihotri teaches the user content delivery method of claim 54, further comprising storing in the agent information relating to the last update of user content relating to the request and/or information relating to the user's time and/or frequency of updating preferences and/or information relating to domains to which searching relating to the user content request is limited (Paragraphs 35-40).

14. With respect to claim 64, Agnihotri teaches the user content delivery method of claim 54, further comprising storing in the agent user preferences relating to plural users, and optionally sourcing an item of user content, and sending the user content to plural users, and optionally maintaining in the agent a log of which users have received the item of user content (Paragraphs 29-32).

15. With respect to claim 65, Agnihotri teaches the user content delivery method of claim 64, in which the plural users each are able to define a relevance level of user content of which they require delivery (paragraphs 29-40).

16. With respect to claim 66, Agnihotri teaches the user content delivery method of claim 64, comprising periodically sourcing content, and using the user preferences for the plural users to determine which users the content is required by (paragraphs 29-40).

17. With respect to claim 69, Agnihotri teaches the user content delivery method of claim 54 further comprising: scheduling the timing of the delivery of the user content so that the wireless terminal can improve power consumption by limiting an amount of time the wireless terminal is connected to the selected network (Paragraphs 29-32, 40, 42-45- note the language after "so that" is interpreted as intended use and therefore not given patentable weight).

18. With respect to claim 70, Agnihotri teaches the user content delivery method of claim 54 wherein the set of user content delivery preferences further comprises a selection of at least one domain from which content is to be sourced (paragraphs 29-40).

19. With respect to claim 71, Agnihotri teaches the user content delivery method of claim 54 further comprising: automating multiple user content delivery events at different times in the future in response to the request without further user interaction after receipt of the request (paragraphs 29-40).

20. Claims 72-76 claim subject matter essentially the same in scope as claims 54 and 69-71. As such, claims 72-76 are rejected based on the same logic presented in the rejection of claims 54 and 69-71 above.

***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22. Claims 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0101150 by Agnihotri et al. (Agnihotri) in view of U.S. Patent Application Publication 2002/0198946 by Wang et al. (Wang).

23. With respect to claim 55, Agnihotri teaches the limitations of claim 54, but does not explicitly disclose maintaining a log of sourced user content relating to the request.

Wang teaches a content delivery system where a log is maintained in relation to sourced user content. The log includes an indication of delivery status for the user content (Paragraphs 81-85).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to maintain a log as disclosed by Wang in the content delivery system of Agnihotri. Using the known technique of maintaining a log of sourced user content to ensure delivery of desired user content in Agnihotri would have been obvious to one of ordinary skill in the art.

24. With respect to claim 56, Agnihotri as modified teaches the user content delivery method of claim 55, further comprising maintaining in the log an indication of the delivery status of the user content. (Wang: Paragraphs 81-85)

25. With respect to claim 57 Agnihotri as modified teaches the user content delivery method of claim 56, further comprising acknowledging receipt of the user content over a duplex network. (Wang: Paragraphs 81-85)

26. With respect to claim 58 Agnihotri as modified teaches the user content delivery method of claim 57, further comprising updating the delivery status of the log on receiving an acknowledgement receipt. (Wang: Paragraphs 81-85)

27. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0101150 by Agnihotri et al. (Agnihotri) in view of U.S. Patent Application Publication 2002/0023092 by Tamura et al. (Tamura).

28. With respect to claim 59, Agnihotri teaches the limitations of claim 54 but does not explicitly disclose notifying over a duplex network prior to delivery of the user content over a simplex network.

Tamura teaches the use of a duplex and simplex network for delivering content to a user. This includes notifying over a duplex network prior to delivery of content over a simplex network (See abstract and paragraphs 52-53). It would have been obvious to one of ordinary skill in the art to use the notification techniques of Tamura in the delivery system of Agnihotri. Using the known notification techniques of Tamura to provide reliability in deliver data to a user in Agnihotri would have been obvious to one of ordinary skill in the art.

### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



30. U.S. Patent Application Publication 2002/0059453 by Eriksson et al. Discloses the use of a cost metric for determining access point for network communications.

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DAVID LAZARO** whose telephone number is (571)272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Lazaro/  
Primary Examiner, Art Unit 2455  
June 20, 2009